

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

KATHLEEN KILROY, *on behalf of herself and
all others similarly situated,*

Plaintiff,

v.

CIGNA CORPORATION; CONNECTICUT
GENERAL LIFE INSURANCE COMPANY;
CIGNA HEALTH AND LIFE INSURANCE
COMPANY; AMERICAN SPECIALTY
HEALTH INCORPORATED; and AMERICAN
SPECIALTY HEALTH GROUP, INC.,

Defendants.

Case No. 2:18-cv-01557-NIQA

**JOINT MOTION TO STAY PENDING CONSOLIDATION WITH RELATED ACTIONS
UPON PRELIMINARY APPROVAL OF SETTLEMENT**

The parties respectfully and jointly request that the Court enter the proposed order attached as Exhibit A, under which this action will be (i) stayed pending the Court's ruling on preliminary approval of the parties' settlement and (ii) consolidated with related actions if the Court grants preliminary approval. As further support for this request, the parties state as follows.

On July 13, 2018, Defendants filed motions to dismiss in this action. Those motions remain pending.

Plaintiff Kathleen Kilroy, Defendants, and plaintiffs in the related actions captioned *Lietz v. Cigna Corp.*, Case No. 2:16-03967-NIQA (E.D. Pa.) (the "*Lietz* Action"), and *Zhu v. Cigna Corp.*, Case No. 2:18-cv-02927-NIQA (the "*Zhu* Action") have now reached a settlement resolving this action, the *Lietz* Action, and the *Zhu* Action. On March 26, 2019, Ms. Kilroy and

the plaintiffs in the *Lietz* and *Zhu* Actions filed a motion in the *Lietz* Action (Case No. 2:16-03967-NIQA, ECF No. 86) for preliminary approval of the settlement.

To facilitate the preliminary approval and settlement process, Ms. Kilroy and Defendants hereby request that the Court enter the proposed order attached as Exhibit A, which provides as follows:

1. This action is hereby stayed pending the Court's ruling on the preliminary approval motion filed in the *Lietz* Action (Case No. 2:16-03967-NIQA, ECF No. 86); and
2. Upon preliminary approval of the settlement filed in the *Lietz* Action, without further order of the Court, this action will hereby be consolidated with the *Lietz* Action and *Zhu* Action, under the caption *In re Cigna-American Specialty Health Administrative Fee Litigation*, Case No. 2:16-cv-03697-NIQA, and the proposed Consolidated Class Action Complaint attached as Exhibit 1 to the parties' settlement agreement as filed in the *Lietz* Action (Case No. 2:16-03967-NIQA, ECF No. 87-001) shall be deemed to be the operative complaint in the consolidated action.

Dated: March 27, 2019

Respectfully submitted,

Anthony F. Maul**
THE MAUL FIRM, P.C.
68 Jay Street, Suite 201
Brooklyn, NY 11201
718.310.3704
866.488.7936 (fax)

/s/ Jason M. Knott
Jason M. Knott*
ZUCKERMAN SPAEDER LLP
1800 M Street NW, Suite 1000
Washington, DC 20036
202.778.1813
202.822.8106 (fax)

Gerald McGonagle**
MCGONAGLE SPENCER GAHAGAN
P.C.
1533 Locust Street
Kansas City, MO 64108
816.221.2222
816.221.2245 (fax)

Steven A. Schwartz (PA. I.D. No. 50579)
Mark B. DeSanto (PA I.D. No. 320310)
CHIMICLES & TIKELLIS LLP
361 West Lancaster Avenue
Haverford, PA 19041
610.642.8500
610.649.3633(fax)

D. Brian Hufford*
Jason S. Cowart**
Nell Z. Peyser*
ZUCKERMAN SPAEDER LLP
485 Madison Avenue, 10th Floor
New York, NY 10022
212.704.9600
212.704.4256 (fax)

*Counsel for Plaintiff Kathleen Kilroy, on behalf of
herself and all others similarly situated*

* *pro hac vice*

** not yet admitted *pro hac vice*

/s/ Jason A. Leckerman

Jason A. Leckerman (PA ID No. 87915)

Meredith C. Swartz Dante (PA ID No.
209119)

BALLARD SPAHR LLP

1735 Market Street, 51st Floor

Philadelphia, PA 19103

Telephone: (215) 665-8500

Facsimile: (215) 864-8999

leckermanj@ballardspahr.com

dantem@ballardspahr.com

Joshua B. Simon (Pro Hac Vice)

Warren Haskel (Pro Hac Vice)

Carrie J. Bodner (Pro Hac Vice)

Terence Y. Leong (Pro Hac Vice)

KIRKLAND & ELLIS LLP

601 Lexington Avenue

New York, NY 10016

Telephone: (212) 446-4800

Facsimile: (212) 446-4900

Joshua.simon@kirkland.com

Warren.haskel@kirkland.com

Carrie.bodner@kirkland.com

Terence.leong@kirkland.com

*Counsel for Cigna Corporation, Connecticut
General Life Insurance Co., and Cigna Health and
Life Insurance Co.*

By: /s/ Elizabeth Mann

Elizabeth Mann (Pro Hac Vice)

Andrew Z. Edelstein (Pro Hac Vice)

MAYER BROWN LLP

350 South Grand Ave. 25th Fl.

Los Angeles, CA 90071

Phone: (213) 229-9500

Fax: (303) 223-1111

aedelstein@mayerbrown.com

emann@mayerbrown.com

Michael P. Daly (Pa. Id. No. 86103)

Richard M. Haggerty (Pa. Id. No. 209479)

DRINKER BIDDLE & REATH LLP

One Logan Square

18th and Cherry Sts.

Philadelphia, PA 19103-6996

Telephone: (215) 988-2604

Fax: (215) 988-2757

michael.daly@dbr.com

richard.haggerty@dbr.com

Counsel for American Specialty Health

Incorporated and American Specialty Health

Group, Inc.